

Article 1 | General

Sec. 1.1 Short Title

This ordinance shall be known as the "Durham City-County ~~Zoning~~ Unified Development Ordinance," and may be referred to as "this UDO" or "this Ordinance."

Sec. 1.2 Purpose and Intent

1.2.1 General

- A. It is the purpose of this Ordinance to promote the health, safety and general welfare of the residents of Durham City and County.
- B. In support of these purposes, this Ordinance contains regulations designed to:
1. Address future needs, growth, and change in the jurisdiction;
 2. Conserve land and water resources;
 3. Preserve groundwater quality and supply;
 4. Recognize geologic features, soil and topography;
 5. Improve air quality;
 6. ~~Lessen~~Minimize congestion in the streets;
 7. Secure safety from fire and other dangers;
 8. Provide adequate light and air;
 9. Prevent overcrowding of land and undue concentrations of population;
 10. Provide adequate transportation, water supplies, sewer service, schools, parks, open space, and public facilities;
 11. Conserve the value of buildings;
 12. Examine the most appropriate use of the land;
 13. Regulate the location of business and industry;
 14. Regulate the height and bulk of buildings;
 15. Protect the capacity of floodways in order to prevent loss or damage to homes or property;
 16. Regulate the area of yards and open spaces for buildings;
 17. ~~Review~~ Provide for the needs of agriculture; and
 18. Protect historic sites and areas.
- C. It is also the purpose of this Ordinance to provide for the orderly, efficient and economic development of the City and County by providing for:
1. The coordination of streets, highways and other public facilities within proposed subdivisions with existing or planned streets and highways or other public facilities;
 2. The dedication or reservation of rights-of-way, easements or sites for streets, utilities, open space, recreation areas, and other public facilities;
 3. The protection of historic resources and the natural environment; and
 4. The distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety and the general welfare.

Sec. 1.3 Authority

The authority to adopt and enforce this Ordinance is granted by the Charter of the City of Durham, by NCGS §160A Article 19 to the City of Durham, and by NCGS §153A Article 18 to Durham County, and any other applicable general or special statutes of the State of North Carolina including Title 15A NCAC §04.

Sec. 1.4 Jurisdiction

The provisions of this Ordinance shall apply to all properties within the jurisdiction of the
County of Durham and or the City of Durham and shall govern development and use of the land.
No building shall be erected or structurally altered nor shall any land development activity take
place, unless it conforms to the provisions of this Ordinance. Uses of property shall be limited by
the provisions of this Ordinance.

Sec. 1.5 Relationship to Adopted Plans

The Comprehensive Plan ~~and Small Area Plans~~ adopted by the governing bodies indicates desired development at various levels of intensity. This Ordinance is intended to implement the Comprehensive Plan, therefore the Plan ~~these documents~~ should be used as a guide for the application of this Ordinance to land within the areas covered, as well as for the provision of public services.

Sec. 1.6 Minimum Requirements

~~City Jurisdiction: The provisions of this Ordinance are intended to be the minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, the provisions of this Ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail. Where this ordinance imposes conflicting provisions that cannot be reconciled through interpretation, the more stringent of the provisions shall apply. The Planning Director or his/her designee is authorized to make all final interpretations regarding the provisions of this ordinance. In the case of interpretations regarding allowable uses, the Director shall apply the closest existing use category to the activity in question. If there are no such categories, the Director may disallow the use.~~

~~County Jurisdiction: The provisions of this ordinance are intended to be the minimum requirements. Where the provisions of this ordinance impose greater restrictions than other ordinances, the provisions of this ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions the other ordinance shall prevail.~~

Sec. 1.7 Conflict

These regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other public laws, ordinances, or regulations, except as specified in Sec. 1.8. Where these regulations conflict with other provisions of public law and regulations, the more stringent requirements shall apply.

Sec. 1.8 Effective Date

This Ordinance is effective within each jurisdiction as of the date of passage by the adopting jurisdiction. All ordinances in conflict are hereby repealed to the extent of their inconsistency. The ordinances repealed are the following:

1.8.1 Durham City Code Chapter 24, Zoning;

1.8.2 Durham City Code, Chapter 19, Subdivisions;

1.8.3 Durham County Code of Ordinances Appendix A, Durham City-County Zoning Ordinance;

1.8.4 Durham County Code of Ordinances Appendix B, City-County Subdivision Ordinance;

1.8.5 All other ordinances or parts of ordinances which are in conflict with this Ordinance including, but not limited to, Sections 4-2, 4-3, 4-6, 4-7, 4-8, 5-5, 5-7, 5-8, 12-6, and 23-82 of the Durham City Code, and sections 14-51 through 14-71 (the Sedimentation and Erosion Control Ordinance) of the Durham County Code are repealed to the extent necessary to give this Ordinance full force and effect.

Notwithstanding their repeal, these ordinances shall remain in effect to the extent necessary to implement the transitional provisions of Sec. 1.10 and to govern the development of projects approved with a site-specific site plan or plat prior to the effective date of this Ordinance and projects determined to be vested pursuant to Sec. 3.21 of this Ordinance as such projects move through the development process.

~~This ordinance is adopted on September 29, 1993, and shall become effective on January 1, 1994.~~

Sec. 1.9 Severability

Should any section or provision of this Ordinance be declared invalid, the remaining sections or provisions shall remain valid.

Sec. 1.10 Transitional Provisions

1.10.1 Violations continue.

Any violation of previous zoning, subdivision, or sedimentation and erosion control ordinances will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, development, or activity complies, in its entirety, with the provisions of this Ordinance.

1.10.2 Prior Nonconformities and Grandfathered Uses

Any use, plan, building, or lot that was nonconforming or grandfathered under prior ordinances shall be considered a nonconformity under this Ordinance except as may be otherwise provided under Article 14. The provisions of Article 14 shall be applicable to these nonconformities. Uses, plans, buildings, or lots that were previously nonconforming or grandfathered that become conforming because of adoption of this Ordinance shall no longer be considered nonconformities provided that all applicable provisions of this Ordinance are complied with.

1.10.3 Effect of this Ordinance on Applications Submitted but not Approved

A. Completed Applications for Plans and Permits.

At the applicant's option, applications for zoning map changes, subdivision plats, site plans, special use permits, building permits, or similar plans or approvals administratively determined to be substantially complete as of the date of passage of this Ordinance may be approved if in compliance with the ordinance in effect at the time of submission. The expiration and continued validity of any permits or approvals for such plans shall be judged by the ordinance under which they were approved, though zoning map changes shall be governed by the provisions of Sec. 1.10.4.

B. Timely Submission of Information.

Applicants who have substantially complete applications as provided above shall comply with all requests for further information and submit all necessary revisions of submitted plans in a timely manner. A delay of more than 90 days in submission of information or revisions requested shall constitute effective withdrawal of the application, with loss of all fees paid. Any new application shall then conform with the provisions of this Ordinance.

1.10.4 Effect of this Ordinance on Incomplete Developments

A. Property Zoned Without a Development Plan

Property zoned prior to the effective date of this Ordinance that does not have a development plan shall be governed by the provisions of this Ordinance, except for those portions for which substantially complete plans have been submitted, which shall be processed pursuant to Sec. 1.10.3 above.

B. Property Zoned With a Development Plan

1. Portions of the development plan with an approved and continuously valid site plan, preliminary plat, final plat, or major or minor special use permit may be constructed in accordance with the approved plans if development is completed as required by the ordinance in effect at the time of approval.

2. Undeveloped portions of the development plan may be completed in accordance with the approved development plan, as may be administratively adjusted pursuant to B.4, below, if applications for site plans, preliminary plats, final plats, major or minor special use permits or building permits (in the event that none of the preceding listed plans or approvals are required) are submitted and are administratively determined to be substantially complete enough for processing within two years of the date of approval of the development plan or within one year of the effective date of this Ordinance, whichever comes later.
3. An applicant with a development plan consisting of multiple phases that cannot comply with the deadlines established above may complete development in accordance with the approved development plans if, pursuant to Sec. 3.21, the appropriate governing body approves a vested rights request for future phases of the project and such approval is made prior to the submission of requested approvals for those future phases.
4. Administrative adjustments to site plans or preliminary plats submitted pursuant to approved development plans may be made in order to conform such submissions to this Ordinance or to other ordinances adopted for environmental purposes. These adjustments are authorized without the necessity of governing body approval of a change in the (D) zoning.

1.10.5 Violations in Progress

The prosecution of violations which occurred under previous ordinances shall continue until resolved.

~~Repealed Ordinances~~

~~All ordinances previously adopted by the County of Durham and the City of Durham which relate to zoning are repealed upon the effective date of this ordinance.~~

1.10.6 Zoning District Name Changes

The zoning district names in effect prior to the effective date of this Ordinance are hereby converted, as shown on the following table.

PREVIOUS DISTRICT		NEW DISTRICT	
Residential Districts			
RD	Rural District	RR	Residential Rural
R-20	Residential 20	RS-20	Residential Suburban – 20
R-15, R-10	Residential 15, 10	RS-10	Residential Suburban – 10
R-8	Residential 8	RS-8	Residential Suburban – 8
RM-8, RM-12, RM-16	Residential Multifamily 8, 12, 16	RS-M	Residential Suburban Multifamily
R-5	Residential 5	RU-5	Residential Urban – 5
R-3	Residential 3	RU-3	Residential Urban – 3
RM-16, RM-20	Residential Multifamily 16, 20	RU-M	Residential Urban Multifamily
ITOD-CN RM-CN 40 RM-CN 60 RM-CN 80	Interim TOD Compact Neighborhood Residential Multifamily Compact Neighborhood 40, 60, 80	RC	Residential Compact
Nonresidential Districts			
NC	Neighborhood Commercial	CN	Commercial Neighborhood
O&I-1, O&I-2	Transitional Office and Institutional, General Office and Institutional	OI	Office and Institutional
GC	General Commercial	CG	Commercial General
CBD	Central Business District	CBD	Central Business District
RSCH, RAD	Research Park, Research Applications	SRP	Science Research Park
I-2	Light Industrial	IL	Industrial, Light
CT	Commercial Trade		
I-3	Heavy Industrial	I	Industrial
Planned Districts			
PDR	Planned Density Residential	PDR	Planned Development Residential
UC	University and College	UC	University and College
SC	Shopping Center	CC	Commercial Center
I-I	Industrial Park	IP	Industrial Park
MU	Mixed Use	MU	Mixed Use
Overlay Districts			
--	-- NEW --	-P	Neighborhood Protection Overlay
O&I-I	Transitional Office and Institutional	-TO	Transitional Office Overlay
60 to 65 LDN Above 65 LDN	Airport Overlay	-A60 -A65	Airport Overlay
DDO	Downtown Design Overlay	-DDO	Downtown Design Overlay
MTC	Major Transportation Corridor Overlay	-MTC	Major Transportation Corridor Overlay
-H	Historic District Overlay	-H	Historic Districts & Landmarks Overlay
Watershed Protection Overlay			
M/LR-A, -B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District	M/LR-A, -B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District